

UPDATED INFORMATIVE DIGEST

Section 5325 of the Welfare and Institutions Code, sets forth patients' rights afforded to patients detained for evaluation and treatment pursuant to the Lanterman-Petris-Short (LPS) Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code). Article 6 (commencing with Section 860) of Chapter 4 of Division 1 of Title 9 of the California Code of Regulations (CCR) contains provisions regarding notification requirements, definitions, and complaint procedures applicable to LPS Act patients. Section 4027 of the Welfare and Institutions Code, authorizes the California Department of Mental Health (DMH) to adopt regulations pertaining to patients' rights for inpatient treatment of non-LPS Act patients. In addition, Section 4005.1 of the Welfare and Institutions Code authorizes DMH to adopt regulations necessary to carry out its duties under Division 4 (commencing with Section 4000) of the Welfare and Institutions Code. This includes operation of the state hospitals under its jurisdiction.

This rulemaking adopts Chapter 4.5 in Title 9, CCR. Specifically, Chapter 4.5 commences with Section 880, and specifies non-LPS Act patients' rights, procedures for denial of rights, patients' complaint procedures, and patients' restrictions on clothing and Internet access. This approach is similar to the rights of and procedures for LPS Act patients; however, it takes into consideration the special safety and security precautions necessary for providing services to this non-LPS Act patient population.

A **public notice** was mailed and posted on May 17, 2002.

A **public hearing** was held on July 2, 2002.

Public comments (oral and written) were received regarding this proposed rulemaking during the public comment period ending July 2, 2002. These comments, and the DMH responses, are detailed in the *Final Statement of Reasons*.

The Department of Mental Health made **modifications** to the original *Notice of Proposed Rulemaking*. Two sets of regulation text modifications were noticed to interested parties: January 16, 2003 through January 31, 2003 and March 13, 2003 through April 1, 2003. Public comments regarding these modifications, the DMH responses to these comments, and the corresponding regulation text changes are detailed in the *Final Statement of Reasons*.